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FILED
JUL 14 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. Arturo GONZALEZ-Lopez, Defendant.	Mag. Case No. '08 MJ 8637 COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1326 Attempted Entry After Deportation

The undersigned complainant being duly sworn states:

On or about July 11, 2008, within the Southern District of California, defendant Arturo GONZALEZ-Lopez, an alien, knowingly and intentionally attempted to enter the United States of America with the purpose, i.e. conscious desire, to enter the United States without the express consent of the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, after having been previously excluded, deported and removed from the United States to Mexico, and not having obtained said express consent to reapply for admission thereto; and committed an overt act, to wit, crossing the border from Mexico into the United States, that was a substantial step towards committing the offense, all in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF JULY 2008.

Peter C. Lewis
U.S. MAGISTRATE JUDGE

I, Senior Border Patrol Agent Mikuski declare under penalty of Perjury, the following is true and correct:

PROBABLE CAUSE STATEMENT

The complainant states that this complaint is based upon the investigative reports of Border Patrol Agent Julio Gutierrez that the Defendant, Arturo GONZALEZ-Lopez a citizen of Mexico, was found and arrested on or about July 11, 2008, approximately 5.9 miles east of the Calexico West Port of Entry in Calexico, California.

At approximately 1:45 a.m. Agent H. C. Real saw an individual make an illegal entry into the United States by climbing north over the international boundary fence from Mexico. As Agent Real approached the illegal entrant he identified and questioned the illegal entrant. The illegal entrant was identified as Arturo GONZALEZ-Lopez and determined to be a native and citizen of Mexico illegally in the United States.

An investigation of records revealed GONZALEZ was previously removed from the United States on December 11, 2000. Further records check revealed GONZALEZ has a serious criminal record.

GONZALEZ was found in the United States without having sought or received permission from the Attorney General of the United States or the Secretary of the Department of Homeland Security to re-enter the United States after being removed.

Executed on July 12, 2008, at 9:00 A.M.

Michael Mikuski
Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find Probable Cause to believe that the defendant named in this probable cause statement committed the offense on July 11, 2008 in violation of Title 8, United States Code, 1326

United States Magistrate Judge

CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE

7/12/08 @ 9:43am
Date/Time